

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit: not yet assigned

In re

Patent Application of

Gabriel Petta, et al.

Application No.: not yet assigned

Confirmation No.: not yet assigned

Filed: April 22, 2004

Examiner: not yet assigned

“CASEMENT WINDOW SYSTEM AND
COMPONENTS AND HARDWARE THEREFOR

I, Karen J. Kline, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date of my signature.



Karen J. Kline
Signature

4/22/04

Date of Signature

**REQUEST FOR INTERFERENCE BETWEEN APPLICATIONS BY AN
APPLICANT PURSUANT TO 37 C.F.R § 1.604**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant seeks to have an interference declared with U.S. application 10/281,199 filed in the name Madan Chandragiri Rangabasyam and Ronald Fredrick Edger and the application being filed herewith.

1. Proposed Counts. Applicant proposes the following counts.

COUNT A

A window frame for receiving a glazing unit, said frame being a one piece molded member molded to incorporate formations to receive members to be used for securing a glazing unit therein.

COUNT B

The combination of an integrally molded casement window frame and a mating integrally molded sash frame for assembly into a casement window, said window frame being molded to provide hardware mounting areas for attaching hardware to be used in the assembly of said sash frame with said window frame for swinging movement of said sash frame relative to said window frame.

COUNT C

The combination of an injection molded casement window frame comprising an integral sill rail, a pair of jamb rails and a header rail and a mating molded sash frame for assembly with said window frame, said jamb rails each being formed to provide hinge mounting areas for selectively hinging said sash frame from each jamb rail and to provide a locking bar support surface for supporting therefrom a locking bar to be located on the jamb opposite to the jamb to which the sash frame is to be hinged, and said sill rail is formed with a central window control operator mounting formation and said jamb rails are provided with locking bar control mounting formations adjacent the lower ends thereof.

COUNT D

A casement window comprising:

- (a) an injection molded window frame having a header and sill connected by jambs;
- (b) a mating injection molded sash frame having a glazing panel retained therein;
- (c) hinge connections connecting said sash frame to a jamb of said window frame for hinging movement between a closed and an open position and to provide an egress opening when said sash is in the open position substantially equal to the space defined by said header and jambs of said window frame;
- (d) a window operating control mounted centrally of said sill of said window frame;
- (e) means providing a connection between said window operating control and said sash frame whereby movement of said operating control operates said sash frame in the opening and closing movements; and
- (f) a locking mechanism for locking said sash in the closed position.

COUNT E

A hinge for a casement window comprising a pair of members formed from a stamping each member having a mounting foot, a spacing arm projecting right angularly from one edge of said mounting foot, and a hinge barrel carrying arm projecting right angularly from the end of said spacer arm in a direction opposite to said foot, said hinge barrel supporting arm being rolled at its free end into a hinge barrel, the hinge barrel of one of said members having a retractable spring loaded pin therein to be urged into the hinge barrel of the other stamping member when said members are mounted with their hinge barrels in alignment to effect the hinging action.

COUNT F

A window operator for a casement window having a sash swingable in a window frame, said operator comprising a mounting plate having a central opening, having an upturned forwardly canted collar at one side of said opening and a downturned rearwardly canted collar at the other side of said opening, said collars forming end mounts supporting a downwardly and inwardly projecting worm gear, a shroud over said worm gear, an operator gear mounted on said plate to mesh with said worm gear, an operating arm attached to said operating gear, a wheel mounted at the end of said operating arm, a trackway for said wheel for mounting on the underside of a swingable sash with said wheel engaging in said trackway.

COUNT G

A lock mechanism for a casement window having a sash comprising a latch bar for slideably mounting on the jamb of a window frame having a sash hinged to the opposite window frame jamb, said latch bar having elongated stud receiving slots and an upwardly projecting arm connected at its base to said bar to form an upwardly facing hook, and a control mechanism for operating said bar for longitudinal sliding movement.

2. Identification of Other Application and Claims That Correspond to Proposed Counts.

As noted above, the other application is U.S. Application No. 10/281,199 (published as U.S. Patent Application No. 2003/0079414 A1) (the “Other Application”). The correspondence of the counts with the claims of the Other Application, as published, is as follows.

<u>Count</u>	<u>Corresponding Claim in Other Application</u>
Count A	Independent Claim 1 and dependent Claims 2 – 6
Count B	Independent Claim 7 and dependent Claims 8 – 13 and 19
Count C	Independent Claim 14 and dependent Claims 15 – 17
Count D	Independent Claim 18
Count E	Independent Claim 20
Count F	Independent Claim 21
Count G	Independent Claim 24 and dependent Claims 25 – 26

Each independent claim in the Other Application is an exact duplicate of one of the counts. Claims that depend from an independent claim are also thought to correspond to the count relevant to the appropriate independent claim. Applicant reserves the right to modify the counts.

3. Explanation Why an Interference Should be Declared.

The counts are identical to the corresponding independent claims identified in Section 2, above, and, therefore, define the same invention. To the best of the Applicant's knowledge, the subject matter of the Counts is patentable. Applicant is filing this Request without knowledge as to whether any claims in the Other Application have been allowed. At this time, Applicant has sought a copy of the file history of the Other Application, but has not obtained the same or been able to determine the status of the claims in the Other Application. Accordingly, Applicant reserves the right to modify the counts to match any allowed claims of the Other Application. Applicant can not wait indefinitely to determine the status of the claims in the Other Application because 35 U.S.C. § 135 requires filing an interference within certain time periods. Thus, Applicant is filing this request now.

Applicant seeks this interference in order to demonstrate that it, rather than the applicants and assignee of the Other Application, is entitled to a patent directed to the subject matter of the counts. Alternatively, an interference should be declared in order to permit Applicant to demonstrate that Gabriel Petta is a co-inventor of the subject matter of the counts and to file a motion to correct the inventorship of the Other Application.

In the light of the above, Applicant requests that an interference be declared. The undersigned is available for telephone consultation during normal business hours at (414) 271-6560.

Respectfully submitted,



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